

### **REMARKS**

Reconsideration of the above identified application, in view of the amendments above and the remarks below, is respectfully requested. Claims 1-13 and 16-18 are pending in the application and are shown above. Claims 1-13 and 16-18 have been rejected by the Examiner. New Claims 19-21 have been submitted for consideration by the Examiner. Claim 2 has been indicated as being allowable by the Examiner if rewritten to overcome the rejections under 25 U.S.C. §112, and to include all of the limitations of the base claim, and any intervening claims.

#### **Specification Objections**

Applicant has amended the specification to include a brief description of the drawing for Figure 1 (FIG. 1). Applicant respectfully requests withdrawal of the objection to the specification.

#### **Double Patenting Rejection**

Claims 8 and 13 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 42-47 of Application No. 10/575,144, now abandoned on January 6, 2010.

The Applicant acknowledges the provisional obviousness-type double patenting rejection of the Examiner and respectfully requests withdrawal of the rejection in view of the abandonment status of Application No. 10/575,144 as no conflicting claims will be patented from Application No. 10/575,144.

#### **35 U.S.C. §112 Rejection**

Claims 2 and 18 are objected to by the Examiner. Applicant respectfully responds to the rejection.

The Applicant respectfully submits that one of ordinary skill in the art would understand the use of non-whole numbers in a formula represent the average value of the subscripted components over a molecular weight distribution of a compound, such as the polyether, and thus, the use of non-whole numbers would not be confusing to one of ordinary skill in the art as recited in claim 2.

Applicant has amended claim 18 to clarify the recited subject-matter. These amendments are not presented to distinguish a reference, thus, the claims as amended are entitled to a full range of equivalents if not previously amended to distinguish a reference.

Applicant respectfully requests withdrawal of the rejection to claims 2 and 18, and allowance of the claims.

### **Allowable Claims**

The Examiner has indicated that claim 2 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, and to include all of the limitations of the base claim and any intervening claims.

The rejections under 35 U.S.C. §112 have been addressed by Applicant as described above. Applicant respectfully requests review of independent claim 1 in view of the arguments as presented below and allowance of claim 1 on which claim 2 depends therefrom.

### **35 U.S.C. §103(a) Rejection**

Claims 1, 3-13, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Yanutola* (US2005/0014886) as evidenced by *Walele* (US 6552212) and *SilwetSurfactant* (Silwent Surfactants—Momentum Performance Material, 2008). The Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a silicon polyether having whatever “x/y” and “e+p” values through routine experimentation; and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a silicon polyether in whatever amount through routine experimentation. The Applicant respectfully responds to the rejection.

*Yanutola* discloses a low adhesion backside composition or release coating composition of a pre-crosslinked film forming polymer, a release agent, and optionally, a thickener. The pre-crosslinked film forming polymer is described as a crosslinked polymeric network that is created upon preparation of the film forming polymer, during polymerization, and prior to being applied to a substrate.

*Yanutola* described the release agent as a block copolymer of a polydiorganosiloxane backbone block and pendant polyoxyalkylene blocks with the formula  $(R_3SiO)[R_2SiO]_x[RSiOL(C_2H_4O)_u(C_3H_6O)_vE]_y(SiR_3)$ .

The release agent has a linking segment (L) of a single bond, a lower alkoxy, or a lower alkylene and E is a terminal group. The release agent further details that each u (e) can be from about 1 to about 50; each v (p) can be from about 0 to about 50, e.g., from about 1 to about 50; each x can be from about 1 to about 50; and each y can be from about 1 to about 50.

The Examiner asserts that *Yanutola* is silent on the number of the dialkylsiloxane units to that of the polyoxyalkylene-containing siloxane units (x/y) and the length of the polyoxyethylene (e+p) in SILWET L-7604.

The Examiner asserts that *Yanutola* is silent on the amount of the silicon polyether.

The Examiner asserts that the values of “x/y” and “e+p”, as well as the amount of silicon polyether, would affect the release properties of the composition and these values are result-effective variables, and could be utilized through routine experimentation in order to afford a composition with the proper release property.

Applicant respectfully disagrees with the Examiner on the basis that the parameters as recited in claim 1 provide for a composition able to impart a hydrophilic surface with a wetting angle of less than 40°. *Yanutola* is silent as to hydrophilic or hydrophobic properties of a composition and is silent as to a wetting angle for any compositions, and thus, there is no basis for a routine experimentation of the compositions of *Yanutola* to provide, suggest, or motivate a composition, either in the “x/y” and “e+p” values of silicon polyether or in the amount of the silicon polyether, able to impart a hydrophilic surface with a wetting angle of less than 40°. Further, the Examiner has failed to indicate how the determination of adhesion and/or release properties through routine experimentation of a low adhesion backside composition or release coating composition would correlate to provide a coating composition comprising a hydrophilic surface and/or a wetting angle of 40° or less as recited in claims 1, 8 and 13.

Additionally, as shown in Example 1 and Table 1, compositions made with the silicon polyethers 4-10 (SP4-SP10) having parameters as recited in claim 1 exhibited hydrophilic surfaces with wetting angles less than  $40^\circ$ , such as of  $25^\circ$  to  $27^\circ$ . In contrast, compositions made without a silicon polyether or with silicon polyethers 1-3 (SP1-SP3) having parameters within *Yanutola* and not within the recited ranges of the claims (e+p and e/p) exhibited wetting angles of 55 or greater and are not hydrophilic. Further, the compositions with silicon polyether 2 (SP2) and without a silicon polyether exhibited hydrophobic angles of  $89^\circ$  or greater.

Therefore, the subject-matter of the present application as recited in the claims provide results relative to prior art ranges and that the results are of a significant, practical advantage over prior compositions directed to release coating and adhesive coatings.

Thus, *Yanutola* does not suggest or motivate a composition having a silicone polyether of the formula recited in claim 1 having x/y less than 10, e + p less than 30, e/p greater than 1, and x+y is less than 60 and providing a hydrophilic surface with a wetting angle of less than 40 degrees.

Additionally, *Yanutola* does not suggest or motivate a linking agent of a 3 carbon saturated chain.

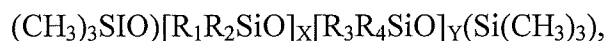
Thus, *Yanutola* does not suggest or motivate the subject-matter as recited in claims 1, 8, and 13, and claims dependent thereon.

*Walele* discloses benzoate esters that are useful as a vehicle or carrier, emollient or solubilizer for toiletry and cosmetic formulations such as hair creams, hand cleaners, bath oils, suntan oils, antiperspirants, perfumes, colognes, cold creams, electric pre-shaves, eye and throat oils, finger nail polish, topical pharmaceutical ointments, lipsticks, stick rouge, skin lotions and creams, skin moisturizers, cleansing creams, and after bath splash and lotions, as well as other formulations.

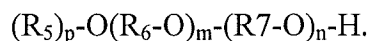
*Walele* further discloses that the benzoate esters are useful as wetting agents for powders ( $\text{TiO}_2$ ,  $\text{ZnO}$ , etc.) involved in color pigment dispersion in cosmetics and personal care products.

*Walele* also discloses that the preferred benzoate esters of the invention, FINSOLV™ SLB-101 and FINSOLV™ SLB-201, are highly hydrophilic and are designed to be used in aqueous systems where clarity and/or high degree of emollient solubility is desirable and useful in the treatments of fibers, textiles and non-woven substrates such as tissues and wipes, lending a smooth, hydrophilic finish. Such substrates are used in skin cleansing applications.

*Walele* discloses that the benzoate esters are formed from hydroxyl terminated polyether polysiloxanes co-polyols of Formula I:



which requires that  $\text{R}_1\text{R}_2$   $\text{R}_3$  or  $\text{R}_4$  be an alkyl function group in combination with an ether functional group disposed between the silicon atom and the repeating polyether structures as shown in Formula II:



*Walele* also describes that the hydroxyl terminated polyether polysiloxane copolyols useful in making the benzoate esters of this invention may be obtained from SILWET™ surfactants by OSI Specialties Company, Greenwich, Conn. The preferred hydroxyl terminated polyether polysiloxane copolyols are SILWET™ L-7200, L-7210, L-7230, L-7604, L-7608, L-7614 and L-7657 silicone glycol copolymers. No specific formulas are given.

In contrast, the present application provides a polyether chain of a polysiloxanes component having a carbon chain without an ester functional group between the repeating ester functional groups and the silicon atom.

Further, *Walele* does not suggest or motivate a composition having a silicone polyether of the formula recited in claim 1 having  $x/y$  less than 10,  $e + p$  less than 30,  $e/p$  greater than 1, and  $x+y$  is less than 60 and providing a hydrophilic surface with a wetting angle of less than 40 degrees.

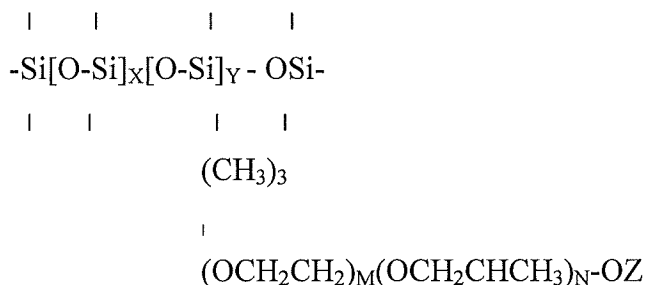
Additionally, *Walele* only discloses the wetting properties of benzoic esters of polyether polysilicone co-polyols and is silent as to using silicone polyethers to impart hydrophilic properties to a coating composition for a hydrophobic support. Thus, there is no basis for a routine experimentation of the compositions of *Walele* to provide, suggest, or motivate a composition, either in the “ $x/y$ ” and “ $e+p$ ” values of silicon polyether or in the amount of the silicon polyether, able to impart a hydrophilic surface with a wetting angle of less than 40°. Further, the Examiner has failed to indicate how the determination of benzoic esters of polyether polysilicone co-polyols used for cosmetic purposes would, through routine experimentation, provide for a coating composition having a hydrophilic surface and/or a wetting angle of 40° or less as recited in claims 1, 8 and 13.

*Walele* is silent as to an aqueous dispersion of a film-forming polymer for a coating composition, and in combination with the silicone polyether satisfying formula (I) as recited in claim 1.

*Walele* does not suggest or motivate a coating composition comprising an aqueous dispersion of film-forming polymer, and a sufficient amount of a silicone polyether satisfying formula (I) as recited in claims 1, 8, and 13.

Further, there is no suggestion or motivation to modify the low adhesion backside composition or release coating composition of a pre-crosslinked film forming polymer, a release agent, and optionally, a thickener of *Yanutola* with use of the cosmetic formulation benzoate esters of *Walele* to suggest or motivate the subject-matter as recited in claims 1, 8, and 13, and claims dependent thereon.

The *SilwetSurfactant* reference formulation is unclear from the reference itself and there is no additional support for the formula in the Examiner cited references. Applicant has interpreted the formula in the manner most favorable for the Examiner, which is thus disclosed as a general polyether siloxane composition of :



The formulations may be useful as wetting agents. The properties of the wetting agents are modified by modifying the relative amounts of silicone, ethylene oxide, and propylene oxide.

*SilwetSurfactant* is silent as to hydrophilic or hydrophobic properties of various compositions and is silent as to a wetting angle for any compositions, and thus, cannot provide any basis for a routine experimentation of the compositions of *SilwetSurfactant*, *Walele*, or *Yanutola* or any other reference to provide for the recited subject-matter.

*SilwetSurfactant* does not suggest or motivate a coating composition of an aqueous dispersion of film-forming polymer and a sufficient amount of a silicone polyether satisfying formula (I), and providing a hydrophilic surface with a wetting angle of less than 40 degrees.

Thus, *SilwetSurfactant* does not suggest or motivate a composition having a silicone polyether of the formula recited in claim 1 having  $x/y$  less than 10,  $e + p$  less than 30,  $e/p$  greater than 1, and  $x+y$  is less than 60 and providing a hydrophilic surface with a wetting angle of less than 40 degrees as recited in claims 1, 8, and 13.

Further, there is no suggestion or motivation to modify the low adhesion backside composition or release coating composition of a pre-crosslinked film forming polymer, a release agent, and optionally, a thickener of *Yanutola* with use the cosmetic formulation benzoic esters of *Walele* and/or the indeterminate commercial surfactants of *SilwetSurfactant* to suggest or motivate the subject-matter as recited in claims 1, 8, and 13, and claims dependent thereon.

Therefore, the combination of *Yanutola*, *Walele*, and *SilwetSurfactant*, does not teach, show, suggest or otherwise make obvious the subject-matter as recited in claim 1, and claims dependent thereon. Withdrawal of the rejection is respectfully requested.

The combination of *Yanutola*, *Walele*, and *SilwetSurfactant* does not teach, show, suggest or otherwise make obvious the subject-matter as recited in claim 8, and claims dependent thereon. Withdrawal of the rejection is respectfully requested.

The combination of *Yanutola*, *Walele*, and *SilwetSurfactant* does not teach, show, suggest or otherwise make obvious the subject-matter as recited in claim 13, and claims dependent thereon. Withdrawal of the rejection is respectfully requested.

### **Conclusion**

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the office action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

In light of the above amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. If it would be of any assistance with this file, the Examiner is invited to contact the undersigned.

Respectfully submitted,



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